

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
	:	
vs.	:	Case No.: 1:07 CR 93
	:	
JONATHAN MCKINNEY	:	
Defendant	:	
<hr/>	:	

ORDER

AND NOW, this day of , 2007, upon Motion of the Defendant, Jonathan McKinney, it is hereby ORDERED and DECREED as follows:

The United States of America shall make full and complete disclosure of the items for discovery requested by the Defendant, Jonathan McKinney, within ten (10) days of this order or suffer such sanctions as the Court shall determine to be appropriate.

By The Court:

Sue L. Robinson, J.

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Plaintiff,	:	
	:	
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	:	
JONATHAN MCKINNEY	:	
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DEFENDANT'S MOTION TO COMPEL DISCOVERY

1. The defendant, Jonathan McKinney, is charged, inter alia, with possession of child pornography.
2. The defendant is incarcerated.
3. The defendant, through his counsel, made discovery requests on the government on July 20, 2007 pursuant to Rule 16.
4. The government has not yet made any of the Defendant's requested discovery disclosures, nor objected to any requests, or responded in any fashion.
5. Without discovery, it cannot be determined what experts will be needed what other auxiliary help will be required.
6. Meaningful pre-trial motions can not be prepared and filed by October 19, 2007, the date set by the court, without prompt disclosure of the items of discovery.
7. Proper trial preparation cannot be accomplished without discovery.

WHEREFORE, the defendant, Jonathan McKinney, respectfully requests that the Government be compelled to provide discovery in accordance with Rule 16.

Respectfully submitted,

PERLSTEIN LAW

By: s/Paul M. Perlstein, Esq.

Paul M. Perlstein, Esq.

Attorney for Jonathan McKinney

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Certification Pursuant to Rule 5 (d) (2)

I hereby certify that prior to filing this Motion to Compel Discovery that I attempted an amicable resolution by contacting the Assistant United States Attorney via email on August 8, 2007 requesting a response as to when discovery will be provided or a discussion as to any objections to discovery.

To date, there has been no response by the government.

Perlstein Law

**By: s/ Paul M. Perlstein
Paul M. Perlstein, Esq.**

Counsel for Jonathan McKinney